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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,120	01/21/2002	Oscar E. Agazzi	47536/SDB/B600	8931

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John A. Wiberg
McAndrews, Held & Malloy
500 W. Madison Street
Suite 3400
Chicago, IL 60661

EXAMINER

CORRIELUS, JEAN B

ART UNIT PAPER NUMBER

2637

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/055,120	Applicant(s) AGAZZI, OSCAR E.	
	Examiner Jean B. Corrielus	Art Unit 2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005 and 11 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43,48,49 and 51-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43,52- 55 is/are allowed.
- 6) ☒ Claim(s) 48,49 and 51 is/are rejected.
- 7) ☒ Claim(s) 56 and 57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 48, 49 and 51 is withdrawn in view of the newly discovered reference(s) to Jones et al, US patent No. 5,313,503.

Rejection(s) based on the newly cited reference(s) follow.

Claim Objections

2. The objection to claims 43-46, 48-49 and 51-57 has been withdrawn in view of the response filed on 9/26/05. However, upon further consideration, claims 56 and 57 are objected to as set forth below.

3. Claim 56, step b, last line, "a" should be replaced by "said" or "the" so as to be consistent with antecedent in step b, line 2. The same comment applies to claim 57 because to its dependency to claim 56. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The 112 second paragraph rejection of claims 45, 46 and 57 is withdrawn in view of the response filed on 9/26/05.

Terminal Disclaimer

5. The terminal disclaimer filed on 11/11/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the

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expiration date of US Patent No. 6,363,129 has been reviewed and is accepted.

The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 48, 49, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brede et al US Patent No. 5,726,607 in view of Kyles US Patent No. 6,028,462 further in view of Jones et al US Patent No. 5,313,503.

As per claim 48 and 51, Brede et al discloses a timing recovery system (fig. 3) for generating a set of clock signals (150 and 160) in a processing system the set of clock signals comprising a set of sampling clock signals (see fig. 1, output of divider 114) the processing system (fig. 3) comprising a set of processing subsystems (100a and 110b), each of the processing subsystems comprising an analog section (fig. 1 and col. 13, lines 8-9), each of the analog sections operating in accordance with a corresponding one of the sampling clock signals (provided to element 116 and feedback to device 114), the timing recovery comprising a set of phase detectors (106) (Note that at col. 13, lines 8-9, that Brede et al teaches that the PLL 100a is identical to PLL 100b, therefore, each element of set of devices uses the same reference number) generating

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phase errors for the corresponding sampling clock signals, a set of loop filters (108) coupled to the corresponding phase detectors (106), the loop filters (108) receiving the corresponding phase errors and generating filtered phase errors, a set of digital to analog converters (110) coupled to the loop filters (108), the D/A converters (110) receiving the filtered phase errors and generating analog filtered phase error; a set of oscillators (112) coupled to the corresponding D/A converters (110), the oscillators 112 receiving the analog filtered phase errors and generating the sampling clock signals. However, Brede does not explicitly teach that the signals generated by the PLL are transmitted to respective subsystems. It also fails to teach a transmit clock phase selector for receiving a transmit clock offset or control signal for generating the transmit clock signal. Kyles teaches a pair of PLL generating a pair of clock signals (sampling clocks) transmitted to respective subsystems see col. 1, lines 48-67. It would have been obvious to one skill in the art to incorporate such a teaching in Brede et al in order to synchronize the transfer of data into the transmitter and to synchronized the recovered data signal from the receiver. See col. 1, lines 53-55 and lines 65-67. In addition, Jones et al teaches a clock phase selector 242 receiving an offset (transmit clock offset) or control signal from (262 and 241) to generate a transmit clock signal see output of selector 242. Given that fact, it would have been obvious to one skill in the art to incorporate such a teaching in Brede et al and Kyles in order to facilitate synchronize transmission of signal information to an associated receiver or remote communication device.

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As per claim 49, it would have been obvious to one skill in the art at the time of the invention to set the transmit clock offset to zero so as to ensure that receiver and transmitter are maintained. Because one skill in the art would understood that if the transmitter is in sync with the transmitter, a zero phase offset would have required to adjust the transmit clock.

Allowable Subject Matter


8. Claims 43, 52-55 are allowed over the prior art of record.
9. Claims 56 and 57 would be allowable if amended to overcome the objection sets forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean B Corrielus
Primary Examiner
Art Unit 2637

12-21-06